

03 DEC 18 08:56

STATE OF HAWAII  
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

03 DEC 18 08:47

TO: Chief Procurement Officer

FROM: Comptroller  
(Department/Division/Agency)

STATE PROCUREMENT OFFICE  
STATE OF HAWAII

STATE OFFICE

Pursuant to § 103D-102(b)(5), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

**Description of goods, services, or construction:** project manager  
Turn key project. Retention of a ~~design builder~~ to use the charrette process to plan and design an elementary school and support facilities including parking and recreational space, on 11.5 acres of land located at the main entrance of the Ocean Pointe project in Ewa and serve the surrounding area.

<b>Name of Vendor:</b> Housing, Education and Community Development (HECD), a Hawaii nonprofit	<b>Cost:</b> Approximately \$1,200,000	<b>Term of Contract:</b> From: December 2003 To: <del>December 2004</del> July 2005
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**Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:**  
Procurement by competitive means would result in the school not being completed until 2007. Retaining HECD will save between 1 ½ to 2 years, and the school would be ready for use in 2005 as the school will be part of a land acquisition transaction between HECD and the State. If the school were not ready in 2005, there would be a continuing negative impact on the surrounding existing school facilities such as Ewa Elementary, including over crowding of students and stretching of already limited resources. HECD has access to favorable financial terms and unlike a for profit entity, has the ability to assume certain development risks for no equity or profit, that would result in a lower overall cost to the State. Additionally, HECD's employees include a former Haseko (developer of Ocean Pointe) development manager who has a comprehensive understanding of the Ocean Pointe project, community issues in the Ewa district, and State procedures. HECD also has qualified persons with extensive experience in development and construction financing. This should facilitate the charrette process, and otherwise increase savings to the State by minimizing changes and delays in the development of the school.

**Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:**  
Vendor is uniquely qualified for this project because of its experience with the Ocean Pointe

development, familiarity with Ewa issues, and State procedures.

A description of the agency's internal controls and approval requirements for the exempted procurement:  
DAGS has been briefed and will continue to work with all relevant agencies, including the Departments of Budget and Finance and the Attorney General, to review all documents before signature.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Russ Saito  
Comptroller

Direct questions to:

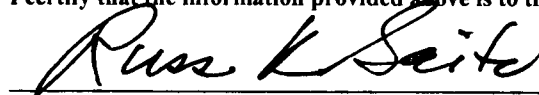
Russ Saito  
Comptroller

Phone Number:

(808) 586-0400

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes: ☐ No: ☒

I certify that the information provided above is to the best of my knowledge, true and correct.



12/15/03

Department/Agency Head

Date

Chief Procurement Officer's Comments:

Approval is granted based on the agreement that the school will be completed by the 2005 school year.

This request includes the attached email from Russ Saito dated 12/21/03.

Please ensure adherence to applicable administrative requirements.

☒ Approved ☐ Denied

 12/26/03

Chief Procurement Officer

Date

cc: Administrator  
State Procurement Office